



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

August 17, 2006

Board of Supervisors
GLORIA MOLINA
First District

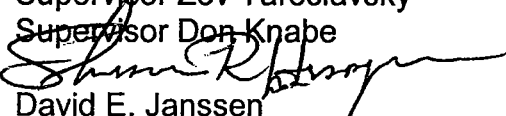
YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: 
David E. Janssen
Chief Administrative Officer

SPECIAL SESSION

On August 15, 2006, the Board adopted a motion directing my office "to provide status updates regarding the Legislature's Special Session on State Prisons and their progress to incorporate support for local programs which should include a request to consider ways in which the State can reduce the time State prisoners remain in County jail once sentenced to prison." This memorandum reports on the efforts of our Sacramento advocates to expand the scope of the Special Session to include local programs, and on State actions related to the Special Session.

Advocacy

Our Sacramento advocates have sent letters on behalf of the Board to the Legislative leadership in both houses, the chairs and members of the policy committees with jurisdiction over the Special Session legislation, the Secretary of the State Department of Corrections and Rehabilitation, the California State Association of Counties, and the Los Angeles County delegation requesting that the scope of the Special Session be expanded to explore the benefits of a State-local partnership with the County which could reduce State and local detention populations, as well as reduce recidivism rates. The letter also included the August 3, 2006 memorandum to the Board that included all of the recommendations from the Sheriff and Chief Probation Officer as well as the adopted Board motion. In addition, our Sacramento advocates have made personal

contact with the Governor, his chief of staff, key staff for the Speaker and the President Pro Tem, as well as committee and caucus staff with responsibility for public safety issues. They anticipate the introduction of bills in both the Assembly and the Senate that would provide assistance to counties to address local juvenile and adult jail capacity and program needs.

On August 10, 2006, the California State Sheriff's Association, Chief Probation Officers of California, California Police Chiefs Association, and the California District Attorney's Association spoke in support of State funding to enhance local detention facilities that would increase capacity or improve existing facilities.

Legislative Hearings

The Senate Select Committee on Prison Population, Management and Capacity met on Tuesday, August 15, 2006, with a follow-up hearing on Wednesday, August 16, 2006, to address the issue of prison overcrowding and reform. The Tuesday hearing provided an overview of the nature of overcrowding at State facilities and the projection of the need for 51,000 beds by the year 2021. While the purpose of the Tuesday hearing was not to review the Administration's proposals specifically, the Legislative Analyst's Office projected that approval of the Governor's Special Session proposals would increase expenditures for the Department of Corrections and Rehabilitation (CDCR) from \$8.2 billion to \$12.5 billion by FY 2013-14, a 52 percent increase from FY 2006-07. During the public comment period, a number of speakers opined that implementing reforms to the parole system and sentencing guidelines were more important and would have a more significant long-term impact on overcrowding than an increase of thousands of beds in the State system.

The August 16, 2006 hearing was of an informational nature and reviewed the Senate Special Session bills. At this hearing, the Chair, Senator Machado, repeatedly expressed his concern that the Administration's proposal lacked critical implementation details and bypassed many of the review processes that CDCR, the Department of Finance, and the Department of General Services would normally perform prior to submission to the Legislature. At the end of this hearing, the Committee elected not to refer the bills to the Senate Budget and Fiscal Committee for further action. At this time, it is not clear whether the Committee will issue a single report on its activities or whether there will be separate majority and minority reports. The Assembly has scheduled an informational hearing on Prison Overcrowding and Proposed Solutions for the afternoon of August 17, 2006.

Legislation

The Legislature has introduced four Senate Bills and ten Assembly Bills. Similar legislation dealing with correctional facility revenue bonds, re-entry facility and new

prison bonds, a correctional training academy and design-build procurement were introduced in both houses. The Special Session bills introduced thus far are:

AB X2 1 (Lieber), Female Offender Program. This bill would direct the CDCR to develop a community-based program for over 4,000 non-violent and non-serious female offenders over a two year period beginning in FY 2007-08. The program would include placing these offenders near the community of release and include transitional "halfway out" houses as an intermediate step to full release in the community. It also would authorize housing of parole violators in community facilities. The bill focuses on six urban counties, including Los Angeles County, for the initial placement of these female offender facilities that range in size from 75 beds to 200 beds. The Administration is targeting the placement of approximately 1,500 female offenders in the County. AB X2 1 has been referred to the Assembly Committee on Correctional Policy and Fiscal Issues for hearings.

AB X2 2 (Spitzer) and SB X2 3 (Battin), Correctional Facility Revenue Bond. These similar bills would authorize the renovation or construction of additional housing for inmates in State prison. They also would authorize the construction of necessary support buildings and facilities as well as improvements to the security of existing facilities. The bills would authorize the State Public Works Board to issue revenue bonds to finance these projects. They would authorize the CDCR to transfer male inmates to the former Northern California Women's Facility near Stockton. These bills appropriate \$238.3 million from the State General Fund for these purposes. They have been referred to the Assembly Committee on Correctional Policy and Fiscal Issues and the Senate Committee on Budget and Fiscal Review, respectively, for hearings.

AB X2 3 (Benoit), Undocumented Criminal Alien Costs. AB X2 3 would direct the CDCR to seek the transfer of criminal aliens currently incarcerated in state facilities to Federal custody. In addition, it would direct the State to bill the Federal government annually for its costs of incarceration. AB X2 3 also would direct the California Attorney General to utilize all available legal resources to effect the transfer to Federal custody and to seek reimbursement for State costs. The bill does not consider the recovery of the County's costs of incarceration of criminal aliens. This bill has not yet been referred to committee for hearings.

AB X2 4 (Parra) and SB X2 1 (Runner), Re-Entry Facility and New Prison Revenue Bonds. These similar bills would authorize the design, construction, or renovation of re-entry facilities and the construction of two new prisons. The Administration's plan is to add re-entry facilities which could house 5,000 male offenders and over 4,000 female offenders in communities subject to the approval of the local jurisdiction. The two proposed prisons are expected to provide up to 9,200 additional beds and would be located adjacent to existing institutions. There have been some discussions about dedicating these facilities exclusively to address the medical and mental health needs of specific high need inmates. AB X2 4 and SB X2 1 would authorize bond funding of

\$2 billion for the re-entry centers and \$1.2 billion for the new prisons. CDCR has indicated in an informational hearing that the City of Los Angeles has shown interest in locating at least one of the re-entry facilities within its boundaries. They have been referred to the Assembly Committee on Correctional Policy and Fiscal Issues and the Senate Committee on Budget and Fiscal Review, respectively, for hearings.

AB X2 5 (Bermudez) and SB X2 2 (Runner), Correctional Training Academy.

These similar bills would authorize the acquisition of land, design, and construction of a correctional officer training academy in Southern California. They also would allow the CDCR the option of providing academy training at a prison or in cooperation with a community college. The bills also would change existing law to allow the conversion of vacant property previously occupied by the Fred C. Nelles Correctional Facility in Whittier to a training academy or hold additional inmates. AB X2 5 and SB X2 2 authorize the issuance of revenue bonds of up to \$55.3 million in support of the building of a new facility. These bills have not yet been referred to committee for hearings.

AB X2 6 (Benoit) and SB X2 4 (Dutton), Design-Build Procurement. These similar bills would allow the CDCR to use the design-build procurement process in the construction of new facilities. AB X2 6 and SB X2 4 would, for construction authorized in the Special Session, also exempt the State from certain provisions of the California Environmental Quality Act requiring the consideration of alternative sites for a proposed project. They have been referred to the Assembly Committee on Correctional Policy and Fiscal Issues and the Senate Committee on Budget and Fiscal Review, respectively, for hearings.

AB X2 7 (Dymally), Penalties for Possession of Cocaine For Sale. AB X2 7 would reduce the penalty for the crime of possession of cocaine base for sale to be comparable to existing penalties for the crime of possession of cocaine powder for sale. Under current law, conviction of possession of cocaine powder for sale is punishable by imprisonment in State prison for a period of 2, 3, or 4 years while a conviction of possession of cocaine base for sale is punishable by imprisonment in State prison for a period of 3, 4, or 5 years. AB X2 7 would make the punishment for both crimes the same at 3, 4, or 5 years. This bill has not yet been referred to committee for hearings.

AB X2 8 (Lieber), Mental Health Services. This proposed legislation would provide an unspecified amount from the State General Fund to the CDCR in support of increased staffing for mental health services, as needed, to comply with the provisions of the Coleman v. Schwarzenegger litigation which defines minimum standards for mental health services provided to inmates in State adult institutions. This bill has not yet been referred to committee for hearings.

AB X2 9 (Lieber), Community Correctional Facilities. AB X2 9 would allow the transfer of up to 4,000 male inmates from existing facilities to other facilities of the State, in addition to county and city correctional facilities. Placement in local facilities would

require approval by the appropriate local legislative body. Under the Governor's plan, the transfer of these inmates would be in addition to plans to transfer approximately 800 male inmates to the California Rehabilitation Center in Norco which would displace the current female population at that facility. This bill has not yet been referred to committee for hearings.

AB X2 10 (Lieber), Out of State Placement of Prisoners. This bill would direct the CDCR to maximize all opportunities to contract with other states to house California inmates in out-of-state public and private correctional facilities. The Governor's plan is to involuntarily transfer at least 5,000 male State inmates who are undocumented residents and scheduled for deportation at the end of their sentences. This bill has not yet been referred to committee for hearings. At the August 16, 2006 Senate hearing, the committee showed some interest in introducing legislation on the issue similar to this bill.

We will continue to keep you advised.

DEJ:GK
MAL:SK:hg

c: Executive Officer, Board of Supervisors
County Counsel
Sheriff
Probation Department